



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720

Ser DNS-36JP/15U105918

August 4, 2015

Sent via email to: nickturse@gmail.com

Dr. Nick Turse
The Nation Magazine
100 Manhattan Ave., Apt. 2109
Union City, NJ 07087

Dear Dr. Turse,

This is in reference to your Freedom of Information Act (FOIA) request dated February 13, 2014. Your request was received in this office on February 14, 2014, and was assigned case number **DON-NAVY-2014-003348**. We previously contacted you regarding this request on May 12, 2014 and August 26, 2014.

Since our last correspondence, various DON subcomponents have provided this office with 812 pages of records responsive to your request. These records include records sent directly to you in response to your request. In an effort to assist you, we are providing all records to you, and any associated correspondence for previously released records, to ensure receipt.

Portions of these records are withheld under 5 U.S. C. § 552 (b)(1), (b)(3), (b)(5), and (b)(6), as marked. Colloquially known as FOIA exemptions, exemption (b)(1) applies to information currently and properly classified under Executive Order 13526; exemption (b)(3) applies to information specifically exempted from disclosure by statute; exemption (b)(5) applies to information that is attorney work-product privileged material, attorney-client privileged material, deliberative process privileged material, predecisional in nature, and/or working versions of documents; exemption (b)(6) applies to certain personally identifiable information, such as the names, dates of birth, or social security numbers, when release of this information would result in a clearly unwarranted invasion of an individual's personal privacy. In this case, DoD Unclassified Controlled Nuclear Information was withheld under exemption (b)(3) in accordance with 10 U.S.C. § 128, as directed by DoDI 5210.83.

5720

Ser DNS-36JP/15U105918

August 4, 2015

Please be advised that we are continuing to coordinate with outside offices regarding the October 29, 2013, January 17, 2014, and April 9, 2014 visits. We have been advised that at least one month will be needed to complete the review and releasability process, and we will providing a rolling release as further records are approved for public disclosure. Additionally, responsive records related to the visit on January 7-13, 2013 fall under the cognizance of the Missile Defense Agency, and have been referred the OSD/JS FOIA Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301-1155, for direct response to you.

No records were located in relation to the visits on January 31, 2013; March 5, 2013; May 7, 2013; June 14, 2013; and December 3, 2013. For the March, May, June, and December visits, the cognizant offices further advised that no brief was given.

Because your request is denied in part, you are advised of your right to appeal the denial of your request by writing to:

Office of the Judge Advocate General
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be postmarked within sixty calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Patterson", with a long horizontal flourish extending to the right.

R. PATTERSON
Head, DON FOIA/PA Program Office